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MAY 29 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. 11388

Application of

Nathaniel Christopher Herwig et al.

Serial No. 10/659,659 Group Art Unit: 2876

Filed: September 10, 2003 Examiner: E. Labaze

For: COMPUTER PERIPHERAL WITH INTEGRATED PRINTER AND BAR CODE
READER

MS Appeal Brief

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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- Appeal Brief 16 pages
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GENERAL FAX CENTER

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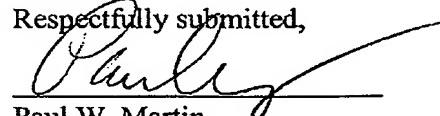
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Respectfully submitted,



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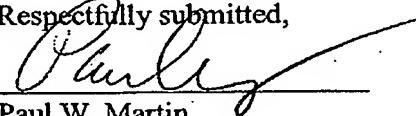
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5-29-2008 *Sallie Spicer*
Date Sallie Spicer

APPEAL BRIEF

Sir:

This is an appeal brief submitted in response to the final action of the Examiner dated November 29, 2007, finally rejecting all of the claims in the present application.

(i) REAL PARTY IN INTEREST

The real party in interest is NCR Corporation.

(ii) RELATED APPEALS AND INTERFERENCES

There are no related appeals and interferences.

(iii) STATUS OF THE CLAIMS

Claims 1-10 are pending in the application.

Claims 1-10 stand rejected.

Claims 1 and 7-10 are appealed.

There are no cancelled or withdrawn claims.

(iv) STATUS OF AMENDMENTS

Appellants did not file a Response subsequent to the Final Rejection of November 29, 2007.

(v) SUMMARY OF CLAIMED SUBJECT MATTER

Claims 1, 7, 9, and 10 relate to a computer peripheral.

As embodied in claim 1 the invention includes

(Figs. 1-2; page 3, lines 5-13; page 4, lines 15-16, 21-23)

a peripheral housing for containing only two normally separately housed peripherals for saving space at a checkout station including a receipt printer and a bar code reader; and

control circuitry in the housing for facilitating communication of receipt data reflecting a sale of products between the printer and a separately housed controlling transaction computer at the checkout station and bar code data from the products between the bar code reader and the separately housed controlling transaction computer over a single cable during the sale of the products completed by the transaction computer.

As embodied in claim 7 the invention includes

(Figs. 1-2; page 3, lines 5-15; page 4, lines 15-16, 21-23)

a peripheral housing for containing only two normally separately housed peripherals for saving space at a checkout station including a universal serial bus receipt printer and a universal serial bus charge coupled device scanner, wherein the scanner functions as a presentation scanner and is located in a position in the housing that does not interfere with operation of the receipt printer; and

a universal serial bus hub in the housing for facilitating communication of receipt data reflecting a sale of products between the printer and a separately housed controlling transaction computer at the checkout station and bar code data from the products between the bar code reader and the separately housed controlling transaction computer over a single cable during the sale of the products completed by the transaction computer.

As embodied in claim 9 the invention includes

(Figs. 1-2; page 3, lines 5-15; page 4, lines 11-16, 21-23)

a peripheral housing containing normally separately housed peripherals for saving space at a checkout station including an impact printer, a magnetic ink character reader, a receipt printer, and a bar code reader; and

control circuitry in the housing for facilitating communication of receipt data reflecting a sale of products between the printer and a separately housed controlling transaction computer at the checkout station and bar code

data from the products between the bar code reader and the separately housed controlling transaction computer over a single cable, for operating the magnetic ink character reader to read magnetic ink characters on checks, for operating the impact printer to print information on the checks during the sale of the products completed by the transaction computer.

As embodied in claim 10 the invention includes

(Figs. 1-2; page 3, lines 5-15, 31-32; page 4, lines 1-7, 11-16, 21-23)

a peripheral housing containing normally separately housed peripherals for saving space at a checkout station including a receipt printer and a bar code reader;

wherein the housing includes a generally vertical front surface containing an aperture and wherein the barcode reader is located within the housing between the receipt printer and the aperture; and

control circuitry in the housing for facilitating communication of receipt data reflecting a sale of products between the printer and a separately housed controlling transaction computer at the checkout station and bar code data from the products between the bar code reader and the separately housed controlling transaction computer over a single cable during the sale of the products completed by the transaction computer.

Claim 8 relates to a transaction system. As embodied in claim 8 the invention includes

(Figs. 1-2; page 3, lines 5-15, 31-32; page 4, lines 1-7, 11-16, 21-23)

a controlling transaction computer at a checkout station, including a universal serial bus controller; and

a computer peripheral at the checkout station and separately housed from the controlling transaction computer including

a peripheral housing for containing only two normally separately housed peripherals for saving space at the checkout station including a universal serial bus receipt printer and a universal serial bus charge coupled device scanner, wherein the scanner functions as a presentation scanner and is located in a position in the housing that does not interfere with operation of the receipt printer; and

a universal serial bus hub in the housing for facilitating communication of receipt data reflecting a sale of products between the printer and the transaction computer and bar code data from the products between the bar code reader and the transaction computer over a single cable between the universal serial bus hub and the universal serial bus controller during the sale of the products completed by the transaction computer.

(vi) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1 and 7-10 stand rejected under 35 USC 103(a) as being unpatentable over Narusawa (6,947,171) in view of Gatto (6,710,895).

(vii) ARGUMENT

Narusawa discloses a multifunction printer including a USB hub. The printer is a photograph printer. The multifunction printer may further include an image scanner for scanning photographs.

The Office sites Gatto as teaching a barcode reader and a receipt printer.

I. With respect to claims 1 and 7-10, Narusawa (6,947,171) and Gatto (6,710,895) fail to teach each and every element of the claimed invention.

Neither reference discloses a checkout station, receipt data reflecting a sale of products, or barcode data from sold products. The receipt and barcode data of Gatto are directed to documents scanned by the system of Gatto.

With respect to claim 1, the references fail to disclose control circuitry in the housing for facilitating communication of receipt data reflecting a sale of products between the printer and a separately housed controlling transaction computer at the checkout station and bar code data from the products between the bar code reader and the separately

housed controlling transaction computer over a single cable during the sale of the products completed by the transaction computer.

With respect to claim 7, the references fail to disclose a universal serial bus hub in the housing for facilitating communication of receipt data reflecting a sale of products between the printer and a separately housed controlling transaction computer at the checkout station and bar code data from the products between the bar code reader and the separately housed controlling transaction computer over a single cable during the sale of the products completed by the transaction computer.

With respect to claim 8, the references fail to disclose a controlling transaction computer at a checkout station, including a universal serial bus controller; and a computer peripheral at the checkout station and separately housed from the controlling transaction computer including ... a universal serial bus hub in the housing for facilitating communication of receipt data reflecting a sale of products between the printer and the transaction computer and bar code data from the products between the bar code reader and the transaction computer over a single cable between the universal serial bus hub and the universal serial bus controller during the

sale of the products completed by the transaction computer.

With respect to claim 9, the references fail to disclose control circuitry in the housing for facilitating communication of receipt data reflecting a sale of products between the printer and a separately housed controlling transaction computer at the checkout station and bar code data from the products between the bar code reader and the separately housed controlling transaction computer over a single cable, for operating the magnetic ink character reader to read magnetic ink characters on checks, for operating the impact printer to print information on the checks during the sale of the products completed by the transaction computer.

With respect to claim 10, the references fail to disclose control circuitry in the housing for facilitating communication of receipt data reflecting a sale of products between the printer and a separately housed controlling transaction computer at the checkout station and bar code data from the products between the bar code reader and the separately housed controlling transaction computer over a single cable during the sale of the products completed by the transaction computer.

II. With respect to claims 1 and 7-10, the Office has improperly failed to give any patentable significance to limitations including a checkout station, receipt data reflecting a sale of products, or barcode data from sold products.

The Office concedes that Narusawa and Gatto fail to specifically teach that their systems are used at a checkout station or used to complete a sale of products. However, the Office has improperly dismissed the limitations as statements of intended use.

With respect to claims 1 and 7-10, the term "reflecting a sale of products" defines the content of the "receipt data".

With respect to claims 1 and 7-10, the term "from the products" defines the content of the "barcode data".

With respect to claim 8, the term "checkout" station defines the location of the controlling transaction computer and the computer peripheral.

III. With respect to claims 1 and 7-10, the combination of Gatto (6,710,895) with Narusawa (6,947,171) would destroy the intended function of the system of Narusawa (6,947,171).

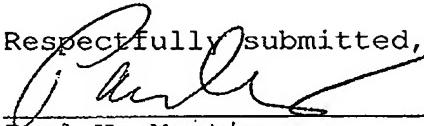
Narusawa discloses a multifunction printer including a USB hub. The printer is a photograph printer. The scanner is an image scanner for scanning photographs.

One skilled in the art would not be motivated to combine the printer or the barcode reader of Gatto into the system of Narasuwa because it would destroy Narasuwa's intended function of scanning and printing photographs.

Conclusion

Appellants respectfully submit that the Office has failed to establish a prima facie case of obviousness and that the rejection of claims 1 and 7-10 is improper.

Appellants further submit that claims 1 and 7-10 are allowable and respectfully request that the rejection of claims 1 and 7-10 by the Office be reversed by the Board.

Respectfully submitted,

Paul W. Martin
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(viii) CLAIMS APPENDIX

1. A computer peripheral comprising:
a peripheral housing for containing only two normally
separately housed peripherals for saving space at a checkout
station including a receipt printer and a bar code reader; and
control circuitry in the housing for facilitating
communication of receipt data reflecting a sale of products
between the printer and a separately housed controlling
transaction computer at the checkout station and bar code data
from the products between the bar code reader and the separately
housed controlling transaction computer over a single cable
during the sale of the products completed by the transaction
computer.

7. A computer peripheral comprising:
a peripheral housing for containing only two normally
separately housed peripherals for saving space at a checkout
station including a universal serial bus receipt printer and a
universal serial bus charge coupled device scanner, wherein the
scanner functions as a presentation scanner and is located in a
position in the housing that does not interfere with operation of
the receipt printer; and
a universal serial bus hub in the housing for facilitating
communication of receipt data reflecting a sale of products

between the printer and a separately housed controlling transaction computer at the checkout station and bar code data from the products between the bar code reader and the separately housed controlling transaction computer over a single cable during the sale of the products completed by the transaction computer.

8. A transaction system comprising:

a controlling transaction computer at a checkout station, including a universal serial bus controller; and
a computer peripheral at the checkout station and separately housed from the controlling transaction computer including
a peripheral housing for containing only two normally separately housed peripherals for saving space at the checkout station including a universal serial bus receipt printer and a universal serial bus charge coupled device scanner, wherein the scanner functions as a presentation scanner and is located in a position in the housing that does not interfere with operation of the receipt printer; and

a universal serial bus hub in the housing for facilitating communication of receipt data reflecting a sale of products between the printer and the transaction computer and bar code data from the products between the bar code reader and the transaction computer over a single cable between the universal serial bus hub and the universal serial bus controller during the

sale of the products completed by the transaction computer.

9. A computer peripheral comprising:

a peripheral housing containing normally separately housed peripherals for saving space at a checkout station including an impact printer, a magnetic ink character reader, a receipt printer, and a bar code reader; and

control circuitry in the housing for facilitating communication of receipt data reflecting a sale of products between the printer and a separately housed controlling transaction computer at the checkout station and bar code data from the products between the bar code reader and the separately housed controlling transaction computer over a single cable, for operating the magnetic ink character reader to read magnetic ink characters on checks, for operating the impact printer to print information on the checks during the sale of the products completed by the transaction computer.

10. A computer peripheral comprising:

a peripheral housing containing normally separately housed peripherals for saving space at a checkout station including a receipt printer and a bar code reader;

wherein the housing includes a generally vertical front surface containing an aperture and wherein the barcode reader is located within the housing between the receipt printer and the

aperture; and

control circuitry in the housing for facilitating communication of receipt data reflecting a sale of products between the printer and a separately housed controlling transaction computer at the checkout station and bar code data from the products between the bar code reader and the separately housed controlling transaction computer over a single cable during the sale of the products completed by the transaction computer.

(ix) EVIDENCE APPENDIX

No evidence pursuant to §§1.130, 1.131, or 1.132 or any other evidence has been entered by the Examiner or relied upon by Appellant.

(x) RELATED PROCEEDINGS APPENDIX

There are no related decisions rendered by a court or the Board or copies of such decisions.